

## DEFENCES IN UNJUST ENRICHMENT

Edited by Andrew Dyson, James Goudkamp and Frederick Wilmot-Smith

January 2016

360pp Hbk 9781849467254 RSP: £75

20% Discount Price: £60 (+ postage)

"I commend the authors and editors on an impressive achievement which will, undoubtedly, assist in further developments in the law of restitution. Theirs is a valuable contribution to the dynamic legal thinking that characterises the common law tradition." From the Foreword by The Right Honourable Beverley McLachlin, PC, Chief Justice of Canada

This book is the second in a series of essay collections on defences in private law. It addresses defences to liability arising in unjust enrichment. The essays are written from a range of perspectives and methodologies. Some are doctrinal, others are theoretical, and several offer comparative insights. The most important defence in this area of the law, change of position, is addressed in detail, but many other defences are treated too, as well as the interrelations between these defences within the law of unjust enrichment. The essays offer novel claims and ways of looking at problems in this challenging area of legal study.

#### THE EDITORS

Andrew Dyson is an Assistant Professor in Private Law at the London School of Economics and Political Science. James Goudkamp is a Fellow of Keble College and an Associate Professor in the Oxford Law Faculty. Frederick Wilmot-Smith is a Prize Fellow at All Souls College, Oxford and Lecturer in Law at Balliol College.

#### CONTENTS

- 1. Defences in Unjust Enrichment: Questions and Themes
- ANDREW DYSON, JAMES GOUDKAMP AND FREDERICK WILMOT-SMITH
- 2. Defences and the Disunity of Unjust Enrichment LIONEL SMITH
- 3. Defence, Denial or Cause of Action? 'Enrichment Owed' and the Absence of a Legal Ground HELEN SCOTT
- 4. What Kind of Defence is Change of Position? DENNIS KLIMCHUK
- 5. The Unity of Pre-receipt and Post-receipt Detriment AJAY RATAN
- 6. Proprietary Restitution and Change of Position ROBERT CHAMBERS

- 7. Change of Position: Outstanding Issues ELISE BANT
- 8. The Defence of Illegality in Unjust Enrichment GRAHAM VIRGO
- 9. Minority and Unjust Enrichment Defences BIRKE HÄCKER
- 10. Defences to Restitution Between Victims of a Common Fraud ANDREW KULL
- 11. Bona Fide Purchase as a Defence in Unjust Enrichment SONJA MEIER
- 12. Counterfactual Arguments Against Woolwich Liability CHARLES MITCHELL
- 13. Theory and Practice ROBERT REED

# DEFENCES IN TORT Edited by Andrew Pyson, Jense Countary and Frederick Wilmed Smith

#### Also available in the series...

#### **DEFENCES IN TORT**

February 2015

336pp Hbk 9781849465267 RSP: £75

20% Discount Price: £60 (+ postage)

### 20% discount with this flyer!

TO PLACE AN ORDER go to www.hartpub.co.uk

To receive your 20% discount you will need to type CV7 in the voucher code field and click 'apply'

#### **UK ORDERS**

+44 (0)1256 302692 direct@macmillan.co.uk

EU / ROW ORDERS +44 (0)1256 329242 export@macmillan.co.uk

#### FOLLOW US ON TWITTER!

For news about Hart Publishing **@HartPublishing** 

KEEP UP TO DATE WITH HART PUBLICATIONS AND RECEIVE 10% DISCOUNT BY JOINING OUR EMAIL MAILING LIST!

Visit www. hartpub.co.uk/ Mailing.aspx for details

